

REMARKS

This is meant to be a complete response to the Office Action mailed June 10, 2004. In the Office Action, the Examiner rejected Applicant's claims 4 and 6-10 under 35 U.S.C. 112, ¶2. The Examiner also rejected Applicant's claims 1-3, 5, 11 and 12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3 and 7 of US Patent No. 6,591,549. The Examiner provisionally rejected Applicant's claims 1-3 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 10 of US 2003/0131529 A1 (US Serial No. 10/280,016).

Applicant's Response to the 35 U.S.C. 112, ¶2 Rejection

In the Office Action, the Examiner rejected Applicant's claims 4 and 6-10 under 35 U.S.C. 112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In support thereof, the Examiner stated that "claims 4 and 6-10 (dependent claims) add limitations which are not permitted when the transitional phrase in the independent claim is "consisting of" (claim 1 line 2)".

In response to the rejection, claim 1, from which claims 4 and 6-10 depend, has been amended herein to replace the transitional phrase "consisting of" with the transitional phrase "comprising". Applicant respectfully submits

that claims 4 and 6-10 are now definite and particularly point out and distinctly claim that which Applicant regards as the invention.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 4 and 6-10, as now pending.

Applicant's Response to the Obviousness-Type Double Patenting Rejections

In the Office Action mailed June 10, 2004, the Examiner rejected Applicant's claims 1-3, 5, 11 and 12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3 and 7 of US Patent No. 6,591,549. The Examiner also provisionally rejected Applicant's claims 1-3 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 10 of US 2003/0131529 A1 (US Serial No. 10/280,016).

In response to the rejections, a Terminal Disclaimer is being filed herewith which complies with each and every provision of 37 C.F.R. §1.321 and 37 C.F.R. §1.130(b) and which disclaims the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,591,549 or the expiration date of any patent issuing from US Serial No. 10/280,016. Applicant respectfully submits that the double-patenting rejections of pending claims 1-3, 5, 11 and 12 have been obviated by the filing of the

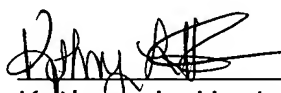
Terminal Disclaimer and requests reconsideration and withdrawal of such rejection of the claims.

CONCLUSION

This is meant to be a complete response to the Office Action mailed June 10, 2004. Applicant respectfully submits that each and every rejection of the claims as now pending have been overcome or obviated by the filing of the Terminal Disclaimer herewith. Further, Applicant respectfully submits that the claims are now in a condition for allowance. Favorable action is respectfully solicited.

Should the Examiner have any questions regarding this Amendment, or the remarks contained herein, Applicant's agent would welcome the opportunity to discuss such matters with the Examiner.

Respectfully submitted,



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